



Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee, thank you for the opportunity to testify today. My name is Andrew Bemus with the Sustainable PFAS Action Network. SPAN a coalition of PFAS users and producers that are committed to sustainable, risk-based PFAS management. Our members advocate for responsible policies that assure long-term human health and environmental protection while recognizing the critical need for certain PFAS materials as a contributor to US economic growth and competitiveness.

SPAN strongly supports LD1214, *An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination*. We are committed to working with legislators to find a sustainable and effective program for PFAS management in Maine, and recognize the importance of identifying and remediating contaminated sites. However, the current draft rules for the PFAS in Products program are overly broad and premature. LD1214 will implement important reforms that effectively protect the health of residents and ensure Maine's status as an economically viable state.

To ensure the success of the PFAS in Products program, SPAN encourages the consideration of key changes. First and foremost, the definition of PFAS should be narrowed to more accurately reflect the nature of PFAS usage in the economy. Defining PFAS as "two fully fluorinated carbon atoms," which contains several thousand compounds, including the legacy chemicals, will help Maine employers comply with the statute, and regulators more effectively identify compounds responsible for contamination issues. The US Environmental Protection Agency, as well as other states such as Delaware, Virginia, and West Virginia, have adopted narrower definitions that more effectively target high-risk and high-emissive compounds.

SPAN strongly encourages the deletion of the 2030 product ban as part of an effort to allow the federal government to lead the PFAS management process. Any PFAS use-controls need to be based on a finding of risk. Eliminating the total product ban, as well as postponing the notification program until 18 months after final promulgation of the forthcoming EPA reporting rules, will ensure that Maine does not duplicate the costly federal program or embark on regulations for no practical gain.

The PFAS in Products program also needs a greater focus on contamination identification and remediation. SPAN encourages an amendment that utilizes forthcoming federal data to identify contaminated sites and provide resources for remediation. At least 24 months prior to rulemaking on product controls, DEP should identify contaminated sites based on federal data and form a plan for remediation, including a budget estimate. This process will ensure contamination issues are properly dealt with before embarking on ineffective regulations.

Finally, SPAN stresses the need for further clarification on the essential-use exemption process currently included in the draft rules. This inclusion, which is very important, is too narrow in defining what would be considered federal preemption. Many of the compounds that would be regulated under the current statute have undergone modern toxicological testing, and have been deemed acceptable for their intended use by federal government agencies.

For these reasons, SPAN strongly supports LD1214 and encourages the further consideration of these critical issues. Thank you for the opportunity to testify, and please contact SPAN with any comments or questions.